

EXHIBIT 8

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

MARVEL CHARACTERS, INC.,

Plaintiff,

v.

NANCI SOLO and ERIK COLAN,

Defendants.

Civil Action No. 1:21-cv-5316

**COMPLAINT FOR
DECLARATORY RELIEF**

Plaintiff Marvel Characters, Inc. (“MCI”), for its complaint against defendants Nanci Solo and Erik Colan, alleges as follows:

NATURE OF THE ACTION

1. Over its long history, MCI and its predecessors in interest (individually and collectively, “Marvel”) have engaged numerous writers and artists to contribute to Marvel’s comics. Eugene J. Colan (“Gene Colan”), who started working for Marvel in or around 1946, is one such writer. Marvel assigned Gene Colan stories to write, had the right to exercise creative control over his contributions, and paid him a per-page rate for his contributions. As a result, any contributions Gene Colan made were at Marvel’s instance and expense, rendering his contributions work made for hire, to which the Copyright Act’s termination provisions do not apply. Nevertheless, defendants Nanci Solo and Erik Colan, as the heirs of Gene Colan, have served termination notices purportedly issued under that Act, in an invalid attempt to acquire certain rights to iconic Marvel comic book characters and stories published between 1967 and 1975.

2. In virtually identical circumstances, the Southern District of New York, as affirmed by the Second Circuit, granted Marvel summary judgment, finding that all of illustrator

Jack Kirby's contributions between 1958 and 1963 were done at Marvel's instance and expense and thus were works made for hire. Because termination rights do not exist for works made for hire, the Kirby heirs' termination notices were held to be invalid and of no legal force or effect. *See Marvel Worldwide, Inc. v. Kirby*, 777 F. Supp. 2d 720 (S.D.N.Y. 2011), *aff'd in relevant part*, 726 F.3d 119 (2d Cir. 2013).

3. Similarly, the District Court for the District of Delaware held in *In re Marvel Entertainment Grp.*, 254 B.R. 817 (D. Del. 2000), that an artist's contributions to many of the very same works that are at issue here were works made for hire. There, the writer who worked on these comics claimed that he owned many of the characters at issue in Marvel's bankruptcy proceedings. The district court rejected that claim, holding that all of the writer's work was at Marvel's instance and expense and was thus work made for hire.

4. *Kirby* and *In re Marvel Entertainment* dictate that the termination notices here are invalid. As with the artists in those cases, Marvel had the right to exercise creative control over Gene Colan's contributions and paid him a per-page rate for his work. As with the artists in those cases, when Gene Colan worked for Marvel, he did so with the expectation that Marvel would pay him. And as with the artists in those cases, Gene Colan never held the copyright in the famous Marvel characters and comics on which he worked; rather, Marvel does, as evidenced by the relevant copyright registration notices themselves. Marvel thus brings this declaratory relief action, pursuant to 28 U.S.C. § 2201, in response to defendants' improper attempt to acquire Marvel's intellectual property.

PARTIES

5. MCI is a Delaware corporation with its principal place of business in Burbank, California. MCI owns the intellectual property contained in the comic books and characters at

issue.

6. Upon information and belief, Solo was the wife of Gene Colan through the time of his death.

7. Upon information and belief, Erik Colan was the son of Gene Colan.

JURISDICTION AND VENUE

8. This is an action for declaratory relief brought under 28 U.S.C. §§ 2201, *et seq.*, and under the Copyright Act of 1976, 17 U.S.C. §§ 101, *et seq.* This Court has federal question subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. Upon information and belief, this Court has personal jurisdiction over defendants Solo and Erik Colan because they are both domiciled in Brooklyn, New York.

10. Upon information and belief, venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) because both defendants are domiciled in this District.

ALLEGATIONS

11. At all relevant times, Gene Colan was engaged as a comic book artist by Marvel in New York, New York to contribute to various comic books (the “Works”).

12. Any contributions Gene Colan made were at Marvel’s instance and expense.

13. Marvel editorial staff had the right to exercise creative control over Gene Colan’s contributions, and Marvel paid Gene Colan a per-page rate for his contributions. When Gene Colan worked for Marvel, he did so with the expectation that Marvel would pay him.

14. Gene Colan did not obtain any ownership interest in or to any contributions he made.

15. Marvel registered copyrights in and to the Works, which are copyrightable subject matter under the copyright laws of the United States. The Register of Copyrights recorded the

registrations, as set forth in Exhibit 1 to this complaint. Marvel has complied in all relevant respects with all laws governing copyright.

16. Between approximately June 22 and July 2, 2021, Solo and Erik Colan served three notices of termination on Marvel. Solo and Erik Colan claim to have a sufficient interest in the Works to exercise purported rights of termination under the termination provisions of the Copyright Act, 17 U.S.C. § 304(c), and the regulations thereunder.

17. The notices specifically seek to “terminate all pre-January 1, 1978 exclusive or non-exclusive grants of the transfer or license of the renewal copyright(s) in and to” certain “illustrated comic book stor[ies]” that were allegedly “authored or co-authored” by Gene Colan and published by Marvel between 1967 and 1975. The notices specify various effective termination dates, ranging from October 11, 2023 to June 11, 2031.

18. The comic book titles identified in the notices include *Tomb of Dracula*, *Captain America*, and *Marvel Super-Heroes*. The notices purportedly terminate alleged grants of copyright interests in all characters, story elements, and “indicia” in the comic books, as well as “all material” allegedly “authored or co-authored by Eugene J. Colan (in any and all medium(s), whenever created) that was reasonably associated with” these works and “registered with the United States Copyright Office and/or published within the termination time window, as defined by 17 U.S.C. § 304(c), and the” purported “effective date of this Notice of Termination.”

19. True and correct copies of these notices are attached hereto as Exhibits 2 through 4.

COUNT I: ACTION FOR DECLARATORY RELIEF
[As to the Validity of All Notices]

20. Marvel repeats and realleges each allegation contained in paragraphs 1 through 19 of this complaint as if fully set forth herein.

21. Solo and Erik Colan have served Marvel with the termination notices described above. On information and belief, they submitted the notices for recordation with the U.S. Copyright Office.

22. The notices are invalid as a matter of law because the Works were created as works made for hire, and there are no termination rights for works made for hire. *See* 17 U.S.C. § 304(c).

23. The Works were made for hire because they were created at Marvel's instance and expense.

24. Any contributions Gene Colan made to the Works were done at the instance of Marvel's editorial staff, who had the right to exercise creative control over Gene Colan's contributions.

25. Any contributions Gene Colan made to the Works were done at Marvel's expense because Marvel paid Gene Colan a per-page rate for his contributions, Gene Colan made those contributions to the Works with the expectation that Marvel would pay him, and Gene Colan did not obtain any ownership interest in or to his contributions.

26. Marvel has a real and reasonable apprehension of litigation over any claim by Solo and Erik Colan that Marvel's exploitation of the Works after the alleged termination dates infringes their purported rights.

27. There now exists between the parties an actual and justiciable controversy concerning the validity of the termination notices and the respective rights of Marvel, on the one hand, and Solo and Erik Colan, on the other.

28. A declaration is necessary and appropriate at this time in light of the purported effective termination dates and the ongoing exploitation of the Works and the development of

new works derivative of the Works.

29. Marvel has no adequate remedy at law.

30. Accordingly, Marvel seeks, pursuant to 28 U.S.C. § 2201, a judgment from this Court that the notices are invalid and therefore that Marvel will not lose its copyright interests in the Works on the alleged termination dates.

PRAYER FOR RELIEF

WHEREFORE, Marvel prays for a judgment against Solo and Erik Colan as follows:

- A. For a declaration that the termination notices are invalid;
- B. For Marvel's attorneys' fees and costs incurred; and
- C. For such other and further relief as the Court deems just and equitable.

Dated: September 24, 2021

Respectfully Submitted,

O'MELVENY & MYERS LLP

By: /s/ Molly M. Lens

Molly M. Lens

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* Pro hac vice admission pending

*Attorneys for Plaintiff Marvel Characters,
Inc.*

NOTICE OF TERMINATION

"BLADE"

RECEIVED

JUN 25 2021

ALAN BRAVERMAN

To: Marvel Entertainment, LLC
Marvel Worldwide, Inc.
Marvel Property, Inc.
Marvel Characters, Inc.
1290 Avenue of the Americas
New York, NY 10104
Attn: John Turitzin, Chief Counsel
Eli Bard, Deputy Chief Counsel

Marvel Studios, LLC
MVL Rights, LLC
MVL Development, LLC
Marvel Characters, Inc.
500 South Buena Vista Street
Burbank, CA 91521
Attn: David Galluzzi, Chief Counsel

The Walt Disney Company
500 South Buena Vista Street
Burbank, CA 91521
Attn: Alan Braverman, General Counsel

Marvel Animation Inc.
623 Circle Seven Drive
Glendale, CA 91201
Attn: Legal Department

PLEASE TAKE NOTICE that pursuant to Section 304(c) of the United States Copyright Act (17 U.S.C. § 304(c)) and the regulations issued thereunder by the Register of Copyrights, 37 C.F.R. § 201.10, Nanci Solo and Erik Colan, the children of the deceased author Eugene J. Colan, being the persons entitled to terminate copyright transfers by the author pursuant to said statutory provisions, hereby terminate all pre-January 1, 1978 exclusive or non-exclusive grants of the transfer or license of the renewal copyright(s) in and to the illustrated comic book stories, many of which feature the character Blade (a.k.a. Eric Brooks), authored or co-authored by Eugene J. Colan (a.k.a. Gene Colan) and published in the TOMB OF DRACULA comic book issues, all as set forth below:

1. The names and addresses of the grantees and/or successors in title whose rights are being terminated are as follows: Marvel Entertainment, LLC, Marvel Worldwide, Inc., Marvel Property, Inc., Marvel Characters, Inc., 1290 Avenue of the Americas, New York, NY 10104; Marvel Studios, LLC, MVL Rights, LLC, MVL Development, LLC, Marvel Characters, Inc., 500

South Buena Vista Street, Burbank, CA 91521; The Walt Disney Company, 500 South Buena Vista Street, Burbank, CA 91521; and Marvel Animation Inc., 623 Circle Seven Drive, Glendale, CA 91201. Pursuant to 37 C.F.R. § 201.10(d), service of this notice is being made by First Class Mail, postage pre-paid to the above grantees or successors at the addresses shown.

2. The copyrighted work(s) to which this Notice of Termination apply(ies) (individually, the “Work”; collectively, the “Works”) are the illustrated comic book story(ies), many of which feature the character Blade (a.k.a. Eric Brooks), authored or co-authored by Eugene J. Colan (a.k.a. Gene Colan),¹ along with all the characters, story elements, and/or indicia appearing therein, which stories were published and embodied in the comic book issues identified as follows:

¹ This Notice of Termination also applies to all material authored or co-authored by Eugene J. Colan (in any and all medium(s), whenever created) that was reasonably associated with the Works and was registered with the United States Copyright Office and/or published within the termination time window, as defined by 17 U.S.C. § 304(c), and the effective date of this Notice of Termination. This Notice of Termination likewise includes any character, story element, or indicia reasonably associated with the Works including, without limitation, Blade (a.k.a. Eric Brooks), Jeanie Ovington, Abraham van Helsing, Fritz Burgeister, Danny Summers, Carl von Harbou, Ilsa Strangeway, Inspector Chelm, Godfrey Langston, Lenore DeCade, the Moorlands Monster, Lord Dering, Lady Dering, Buckley Grainger, Dr. Heinrich Mortte, Adrian Mortte, Corker Haller, Gladys Fulton, Jason Faust, Oliver Gordon, Molodowi, Henry Laswell, Duncan Corley, Helen Cantler, James Jackson, Shivvey Martin, Gordo Brown, Horatio Toombs, Marie Komph, Theresa Beare, Henry Bonney, Paul Beare, Peter Vornik, Ulsa Vornik, Petra Vornik, Leonid Korsak, Katerina Stenski, Marcus Fydora, Shiela Whittier, Alestar Dunwick, Lilith Drake, Henrietta Dunwick, Rodney Dunwick, Caroline Bascombe, Hannibal King, Adrienne Brown Walers, Fred Walters, David Eshcol Chastity Jones, Joshua Eschol, C’Thunda, King Kull, Mae Li, Adri Nital, Beverly Gable, Lyza Strang, Archibald Strang, Melanie Knight, Marcia Knight, Paul Knight, Kuai Hua, Ogun, Azi, Musenda, Orji, Mary-Beth Singleton, Lord Arthur Singleton, Brother Voodoo, Daniel Drumm, Daphne von Wilkinson, Jackson Hardy, Tilly Beatering, Martin Beatering, Ken Mitchell, Jack Bolt, Winston Twindle, Angie Rogers, William Perry, Joe Petri, Jack Ownes, Capt. Sid Greenely, Harold H. Harold, Aurora Rabinowitz, Juno, Janet Golin, Stu Summers, Elizabeth Harker, Jonathan Harker, Edith Harker, Quincy Harker, Clifton Graves, Dracula (a.k.a. Vlad Dracula), Garbiel Trulaine, Charlie O’Casey, Martin Scampt, Lord Turac, Frank Drake, Rachel van Helsing, Taj Nital, Elizabeth Langley, Saint, Safron Caulder, Cecile Parker, Deacon Frost, Tara Brooks, Jasper O’Connor, Josiah Dawn, Lucas Brand, Professor Morgo, Dr. Sun, Kitty, Orphelus, Turac, Maria Dracula, Jacques Granet, Ludwig Gruber, Jack Russell, Henri Verne, Greta Verne, Werewolf by Night, Topaz, “Scratcher” Martin, Gregory Russoff, Laura Russoff Russell, Werewolf, Shiela Whittier, Trudy Taylor, and Jyota Nital. Every reasonable effort has been made to find and list herein all such material. Nevertheless, if any such material has been omitted, such omission is unintentional and involuntary, and this Notice also applies to each and every such omitted material.

<u>Title</u>	<u>Copyright Claimant²</u>	<u>Date Copyright Secured</u>	<u>Copyright Reg. No.</u>
<i>Tomb of Dracula</i> Vol. 1, No. 1	Magazine Management Co., Inc. and Marvel Comics Group	10/19/1971	B712603
<i>Tomb of Dracula</i> Vol. 1, No. 2	Magazine Management Co., Inc. and Marvel Comics Group	2/1/1972	B739653
<i>Tomb of Dracula</i> Vol. 1, No. 3	Magazine Management Co., Inc. and Marvel Comics Group	3/28/1972	B744432
<i>Tomb of Dracula</i> Vol. 1, No. 4	Magazine Management Co., Inc. and Marvel Comics Group	5/30/1973	B847506
<i>Tomb of Dracula</i> Vol. 1, No. 5	Magazine Management Co., Inc. and Marvel Comics Group	7/25/1972	B772985
<i>Tomb of Dracula</i> Vol. 1, No. 6	Magazine Management Co., Inc. and Marvel Comics Group	9/26/1972	B787599
<i>Tomb of Dracula</i> Vol. 1, No. 7	Magazine Management Co., Inc. and Marvel Comics Group	11/21/1972	B800163
<i>Tomb of Dracula</i> Vol. 1, No. 8	Marvel Comics Group, a division of Cadence Industries Corp.	1/23/1973	B815059
<i>Tomb of Dracula</i> Vol. 1, No. 9	Marvel Comics Group, a division of Cadence Industries Corp.	2/20/1973	B825207
<i>Tomb of Dracula</i> Vol. 1, No. 10	Marvel Comics Group, a division of Cadence Industries Corp.	3/20/1973	B829682
<i>Tomb of Dracula</i> Vol. 1, No. 11	Marvel Comics Group, a division of Cadence Industries Corp.	4/24/1973	B846942
<i>Tomb of Dracula</i> Vol. 1, No. 12	Marvel Comics Group, a division of Cadence Industries Corp.	5/22/1973	B846899
<i>Tomb of Dracula</i> Vol. 1, No. 13	Marvel Comics Group, a division of Cadence Industries Corp.	6/19/1973	B851838
<i>Tomb of Dracula</i> Vol. 1, No. 14	Marvel Comics Group, a division of Cadence Industries Corp.	7/17/1973	B857134
<i>Tomb of Dracula</i> Vol. 1, No. 15	Marvel Comics Group, a division of Cadence Industries Corp.	8/14/1973	B866425
<i>Tomb of Dracula</i> Vol. 1, No. 16	Marvel Comics Group, a division of Cadence Industries Corp.	9/4/1973	B879205
<i>Tomb of Dracula</i> Vol. 1, No. 17	Marvel Comics Group, a division of Cadence Industries Corp.	9/25/1973	B883969
<i>Tomb of Dracula</i> Vol. 1, No. 18	Marvel Comics Group, a division	10/23/1973	B891716

² Pursuant to 37 C.F.R. § 201.10(b)(1)(iii), this Notice of Termination includes the name of at least one author of each Work to which this Notice of Termination applies. The listing herein of any corporation as copyright claimant is done per Copyright Office records, and is not to be construed as an admission that any given work is or was a “work made for hire,” nor is anything else herein to be construed as any such admission. Nothing contained in this Notice of Termination shall be construed to in any way limit or waive any right or remedy that Nanci Solo and/or Erik Colan, may have, at law or in equity, with respect to the subject matter hereof, all of which is hereby expressly reserved.

	of Cadence Industries Corporation		
<i>Tomb of Dracula</i> Vol. 1, No. 19	Marvel Comics Group, a division of Cadence Industries Corporation	11/20/1973	B899455
<i>Tomb of Dracula</i> Vol. 1, No. 20	Marvel Comics Group, a division of Cadence Industries Corporation	1/8/1974	B906646
<i>Tomb of Dracula</i> Vol. 1, No. 21	Marvel Comics Group, a division of Cadence Industries Corporation	2/5/1974	B918332
<i>Tomb of Dracula</i> Vol. 1, No. 22	Marvel Comics Group, a division of Cadence Industries Corporation	3/5/1974	B926664
<i>Tomb of Dracula</i> Vol. 1, No. 23	Marvel Comics Group, a division of Cadence Industries Corporation	5/7/1974	B939804
<i>Tomb of Dracula</i> Vol. 1, No. 24	Marvel Comics Group, a division of Cadence Industries Corporation	6/4/1974	B939782
<i>Tomb of Dracula</i> Vol. 1, No. 25	Marvel Comics Group, a division of Cadence Industries Corporation	6/4/1974	B956177
<i>Tomb of Dracula</i> Vol. 1, No. 26	Marvel Comics Group, a division of Cadence Industries Corporation	7/2/1974	B964044
<i>Tomb of Dracula</i> Vol. 1, No. 27	Marvel Comics Group, a division of Cadence Industries Corporation	9/3/1974	B964074
<i>Tomb of Dracula</i> Vol. 1, No. 28	Marvel Comics Group, a division of Cadence Industries Corporation	9/3/1974	B982110
<i>Tomb of Dracula</i> Vol. 1, No. 29	Marvel Comics Group, a division of Cadence Industries Corporation	10/8/1974	B978710
<i>Tomb of Dracula</i> Vol. 1, No. 30	Marvel Comics Group, a division of Cadence Industries Corporation	11/5/1974	B989057
<i>Tomb of Dracula</i> Vol. 1, No. 31	Marvel Comics Group, a division of Cadence Industries Corporation	12/3/1974	B995431
<i>Tomb of Dracula</i> Vol. 1, No. 32	Marvel Comics Group, a division of Cadence Industries Corporation	1/7/1975	B999523
<i>Tomb of Dracula</i> Vol. 1, No. 33	Marvel Comics Group, a division of Cadence Industries Corporation	2/4/1975	B8139
<i>Tomb of Dracula</i> Vol. 1, No. 34	Marvel Comics Group, a division of Cadence Industries Corporation	4/8/1975	B16961
<i>Tomb of Dracula</i> Vol. 1, No. 35	Marvel Comics Group, a division of Cadence Industries Corporation	4/1/1975	B24311
<i>Tomb of Dracula</i> Vol. 1, No. 36	Marvel Comics Group, a division of Cadence Industries Corporation	4/29/1975	B47240
<i>Tomb of Dracula</i> Vol. 1, No. 37	Marvel Comics Group, a division of Cadence Industries Corporation	6/10/1975	B48651

3. The grant(s) and/or transfer(s) to which this Notice of Termination applies was (were) made in that (those) certain copyright assignment(s) on the back of the check(s) issued by Marvel Entertainment, LLC's ("Marvel") predecessor company(ies) to Eugene J. Colan, regarding

<u>Title:</u>	<u>Effective Date of Termination:</u>
<i>Tomb of Dracula</i> Vol. 1, No. 1	October 20, 2027
<i>Tomb of Dracula</i> Vol. 1, No. 2	February 2, 2028
<i>Tomb of Dracula</i> Vol. 1, No. 3	March 29, 2028
<i>Tomb of Dracula</i> Vol. 1, No. 4	May 31, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 5	July 26, 2028
<i>Tomb of Dracula</i> Vol. 1, No. 6	September 27, 2028
<i>Tomb of Dracula</i> Vol. 1, No. 7	November 22, 2028
<i>Tomb of Dracula</i> Vol. 1, No. 8	January 24, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 9	February 21, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 10	March 21, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 11	April 25, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 12	May 23, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 13	June 20, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 14	July 18, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 15	August 15, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 16	September 5, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 17	September 26, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 18	October 24, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 19	November 21, 2029
<i>Tomb of Dracula</i> Vol. 1, No. 20	January 9, 2030
<i>Tomb of Dracula</i> Vol. 1, No. 21	February 6, 2030
<i>Tomb of Dracula</i> Vol. 1, No. 22	March 6, 2030
<i>Tomb of Dracula</i> Vol. 1, No. 23	May 8, 2030
<i>Tomb of Dracula</i> Vol. 1, No. 24	June 5, 2030
<i>Tomb of Dracula</i> Vol. 1, No. 25	June 5, 2030
<i>Tomb of Dracula</i> Vol. 1, No. 26	July 3, 2030
<i>Tomb of Dracula</i> Vol. 1, No. 27	September 4, 2030
<i>Tomb of Dracula</i> Vol. 1, No. 28	September 4, 2030
<i>Tomb of Dracula</i> Vol. 1, No. 29	October 9, 2030


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<i>Tomb of Dracula</i> Vol. 1, No. 30	November 6, 2030
<i>Tomb of Dracula</i> Vol. 1, No. 31	December 4, 2030
<i>Tomb of Dracula</i> Vol. 1, No. 32	January 8, 2031
<i>Tomb of Dracula</i> Vol. 1, No. 33	February 5, 2031
<i>Tomb of Dracula</i> Vol. 1, No. 34	April 9, 2031
<i>Tomb of Dracula</i> Vol. 1, No. 35	April 2, 2031
<i>Tomb of Dracula</i> Vol. 1, No. 36	April 30, 2031
<i>Tomb of Dracula</i> Vol. 1, No. 37	June 11, 2031

5. Eugene J. Colan died on June 23, 2011. His surviving children, Nanci Solo and Erik Colan, are the persons entitled to exercise the termination right pursuant to 17 U.S.C. § 304(c)(2)(B), as to the grant(s) identified herein. This Notice has been signed by all persons needed to terminate said grant(s) under 17 U.S.C. § 304(c).

Dated: June 22, 2021

TOBEROFF & ASSOCIATES, P.C.



Marc Toberoff

23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Tel: (310) 246-3333

As counsel for and on behalf of Nanci Solo
and Erik Colan

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing document described as
NOTICE OF TERMINATION to be served this 22nd day of June, 2021, by First Class Mail,
postage prepaid, upon each of the following:

To: Marvel Entertainment, LLC
Marvel Worldwide, Inc.
Marvel Property, Inc.
Marvel Characters, Inc.
1290 Avenue of the Americas
New York, NY 10104
Attn: John Turitzin, Chief Counsel
Eli Bard, Deputy Chief Counsel

Marvel Studios, LLC
MVL Rights, LLC
MVL Development, LLC
Marvel Characters, Inc.
500 South Buena Vista Street
Burbank, CA 91521
Attn: David Galluzzi, Chief Counsel

The Walt Disney Company
500 South Buena Vista Street
Burbank, CA 91521
Attn: Alan Braverman, General Counsel

Marvel Animation Inc.
623 Circle Seven Drive
Glendale, CA 91201
Attn: Legal Department

I declare under penalty of perjury that the foregoing is true and correct. Executed this
22nd day of June, 2021, at Malibu, California.



Breck Kadaba
Toberoff & Associates, P.C.
23823 Malibu Road, Suite 50-363
Malibu, CA 90265

Counsel for Nanci Solo and Erik Colan

RECEIVED

NOTICE OF TERMINATION

JUN 25 2021

"FALCON"

ALAN BRAVERMAN

To: Marvel Entertainment, LLC
Marvel Worldwide, Inc.
Marvel Property, Inc.
Marvel Characters, Inc.
1290 Avenue of the Americas
New York, NY 10104
Attn: John Turitzin, Chief Counsel
Eli Bard, Deputy Chief Counsel

Marvel Studios, LLC
MVL Rights, LLC
MVL Development, LLC
Marvel Characters, Inc.
500 South Buena Vista Street
Burbank, CA 91521
Attn: David Galluzzi, Chief Counsel

The Walt Disney Company
500 South Buena Vista Street
Burbank, CA 91521
Attn: Alan Braverman, General Counsel

Marvel Animation Inc.
623 Circle Seven Drive
Glendale, CA 91201
Attn: Legal Department

PLEASE TAKE NOTICE that pursuant to Section 304(c) of the United States Copyright Act (17 U.S.C. § 304(c)) and the regulations issued thereunder by the Register of Copyrights, 37 C.F.R. § 201.10, Nanci Solo and Erik Colan, the children of the deceased author Eugene J. Colan, being the persons entitled to terminate copyright transfers by the author pursuant to said statutory provisions, hereby terminate all pre-January 1, 1978 exclusive or non-exclusive grants of the transfer or license of the renewal copyright(s) in and to the illustrated comic book stories, many of which feature the character Falcon (a.k.a. Samuel Wilson), authored or co-authored by Eugene J. Colan (a.k.a. Gene Colan) and published in the CAPTAIN AMERICA comic book issues, all as set forth below:

1. The names and addresses of the grantees and/or successors in title whose rights are being terminated are as follows: Marvel Entertainment, LLC, Marvel Worldwide, Inc., Marvel Property, Inc., Marvel Characters, Inc., 1290 Avenue of the Americas, New York, NY 10104; Marvel Studios, LLC, MVL Rights, LLC, MVL Development, LLC, Marvel Characters, Inc., 500 South Buena Vista Street, Burbank, CA 91521; The Walt Disney Company, 500 South Buena Vista Street, Burbank, CA 91521; and Marvel Animation Inc., 623 Circle Seven Drive, Glendale,

CA 91201. Pursuant to 37 C.F.R. § 201.10(d), service of this notice is being made by First Class Mail, postage pre-paid to the above grantees or successors at the addresses shown.

2. The copyrighted work(s) to which this Notice of Termination apply(ies) (individually, the “Work”; collectively, the “Works”) are the illustrated comic book story(ies), many of which feature the character Falcon (a.k.a. Samuel Wilson), authored or co-authored by Eugene J. Colan (a.k.a. Gene Colan),¹ along with all the characters, story elements, and/or indicia appearing therein, which stories were published and embodied in the comic book issues identified as follows:

<u>Title</u>	<u>Copyright Claimant²</u>	<u>Date Copyright Secured</u>	<u>Copyright Reg. No.</u>
<i>Captain America</i> Vol. 1, No. 117	Magazine Management Co., Inc. and Marvel Comics Group	5/13/1969	B532114

¹ This Notice of Termination also applies to all material authored or co-authored by Eugene J. Colan (in any and all medium(s), whenever created) that was reasonably associated with the Works and was registered with the United States Copyright Office and/or published within the termination time window, as defined by 17 U.S.C. § 304(c), and the effective date of this Notice of Termination. This Notice of Termination likewise includes any character, story element, or indicia reasonably associated with the Works including, without limitation, Falcon (a.k.a. Samuel Wilson), Redwing, Captain America (a.k.a. Steve Rogers), Red Skull, Eric Gruning, Angelo Baldini, Ivan Krushki, Franz Cadavus, Iron-Hand Hauptmann, General Ching, MODOK, Rick Jones, Sharon Carter, Nick Fury, Dum-Dum Dugan, Mart Baker, Agent R-1 (“Grizzly”), Agent R-2 (“Mike”), Professor Paul Fosgrave, Man-Brute, Silas X. Cragg, Abraham Erskine, Heinz Kruger General Phillips, Jarvis, Yellowjacket, Wasp, Black Panther, Vision, Robert Dietzel, Scorpion, Jasper Sitwell, Suprema, Scarbo, J. Jonah Jameson, Tony Stark, “Aces” Wild, Agent A-12, Agent A-14, Mandarin, Dr. Robert Hoskins, Diamond Head, Maggia, Android X-4, Dr. Ralph Ryder, Joe Robertson, Bucky Barnes, Heinrich Zemo, King Hassab of Irabia, The Hood, Batroc the Leaper, Whirlwind, Porcupine, Hulk, Spider-Man (a.k.a. Peter Parker), Doctor Doom, Scientist Supreme, Stone-Face, Sarah Wilson-Casper, Jody Casper, the Monster Ape, Prince, Mole Man, the Moloids, and Harry Osborn. Every reasonable effort has been made to find and list herein all such material. Nevertheless, if any such material has been omitted, such omission is unintentional and involuntary, and this Notice also applies to each and every such omitted material.

² Pursuant to 37 C.F.R. § 201.10(b)(1)(iii), this Notice of Termination includes the name of at least one author of each Work to which this Notice of Termination applies. The listing herein of any corporation as copyright claimant is done per Copyright Office records, and is not to be construed as an admission that any given work is or was a “work made for hire,” nor is anything else herein to be construed as any such admission. Nothing contained in this Notice of Termination shall be construed to in any way limit or waive any right or remedy that Nanci Solo and/or Erik Colan, may have, at law or in equity, with respect to the subject matter hereof, all of which is hereby expressly reserved.

<i>Captain America</i> Vol. 1, No. 118	Magazine Management Co., Inc. and Marvel Comics Group	6/10/1969	B532062
<i>Captain America</i> Vol. 1, No. 119	Magazine Management Co., Inc. and Marvel Comics Group	7/8/1969	B532117
<i>Captain America</i> Vol. 1, No. 120	Magazine Management Co., Inc. and Marvel Comics Group	8/12/1969	B533818
<i>Captain America</i> Vol. 1, No. 121	Magazine Management Co., Inc. and Marvel Comics Group	9/9/1969	B545951
<i>Captain America</i> Vol. 1, No. 122	Magazine Management Co., Inc. and Marvel Comics Group	10/14/1969	B545968
<i>Captain America</i> Vol. 1, No. 123	Magazine Management Co., Inc. and Marvel Comics Group	11/11/1969	B549540
<i>Captain America</i> Vol. 1, No. 124	Magazine Management Co., Inc. and Marvel Comics Group	12/9/1969	B557545
<i>Captain America</i> Vol. 1, No. 125	Magazine Management Co., Inc. and Marvel Comics Group	1/13/1970	B567218
<i>Captain America</i> Vol. 1, No. 126	Magazine Management Co., Inc. and Marvel Comics Group	2/10/1970	B576035
<i>Captain America</i> Vol. 1, No. 127	Magazine Management Co., Inc. and Marvel Comics Group	3/10/1970	B578594
<i>Captain America</i> Vol. 1, No. 128	Magazine Management Co., Inc. and Marvel Comics Group	4/7/1970	B586684
<i>Captain America</i> Vol. 1, No. 129	Magazine Management Co., Inc. and Marvel Comics Group	5/5/1970	B598586
<i>Captain America</i> Vol. 1, No. 130	Magazine Management Co., Inc. and Marvel Comics Group	6/9/1970	B598589
<i>Captain America</i> Vol. 1, No. 131	Magazine Management Co., Inc. and Marvel Comics Group	7/7/1970	B609524
<i>Captain America</i> Vol. 1, No. 132	Magazine Management Co., Inc. and Marvel Comics Group	8/4/1970	B612392
<i>Captain America</i> Vol. 1, No. 133	Magazine Management Co., Inc. and Marvel Comics Group	9/8/1970	B630153; B630214
<i>Captain America</i> Vol. 1, No. 134	Magazine Management Co., Inc. and Marvel Comics Group	10/6/1970	B630191
<i>Captain America</i> Vol. 1, No. 135	Magazine Management Co., Inc. and Marvel Comics Group	11/3/1970	B631976
<i>Captain America</i> Vol. 1, No. 136	Magazine Management Co., Inc. and Marvel Comics Group	12/15/1970	B638024
<i>Captain America</i> Vol. 1, No. 137	Magazine Management Co., Inc. and Marvel Comics Group	1/12/1971	B648901

3. The grant(s) and/or transfer(s) to which this Notice of Termination applies was (were) made in that (those) certain copyright assignment(s) on the back of the check(s) issued by

Marvel Entertainment, LLC's ("Marvel") predecessor company(ies) to Eugene J. Colan, regarding the above-listed Works, which was (were) dated on or about the time of the publication of such Works, as well as any other grant(s) regarding the Works by Eugene J. Colan to Marvel's predecessor(s).³

4. The effective date of termination for each respective Work shall be as follows:

<u>Title:</u>	<u>Effective Date of Termination:</u>
<i>Captain America</i> Vol. 1, No. 117	May 14, 2025
<i>Captain America</i> Vol. 1, No. 118	June 11, 2025
<i>Captain America</i> Vol. 1, No. 119	July 9, 2025
<i>Captain America</i> Vol. 1, No. 120	August 13, 2025
<i>Captain America</i> Vol. 1, No. 121	September 10, 2025
<i>Captain America</i> Vol. 1, No. 122	October 15, 2025
<i>Captain America</i> Vol. 1, No. 123	November 12, 2025
<i>Captain America</i> Vol. 1, No. 124	December 10, 2025
<i>Captain America</i> Vol. 1, No. 125	January 14, 2026
<i>Captain America</i> Vol. 1, No. 126	February 11, 2026
<i>Captain America</i> Vol. 1, No. 127	March 11, 2026
<i>Captain America</i> Vol. 1, No. 128	April 8, 2026
<i>Captain America</i> Vol. 1, No. 129	May 6, 2026
<i>Captain America</i> Vol. 1, No. 130	June 10, 2026
<i>Captain America</i> Vol. 1, No. 131	July 8, 2026
<i>Captain America</i> Vol. 1, No. 132	August 5, 2026
<i>Captain America</i> Vol. 1, No. 133	September 9, 2026
<i>Captain America</i> Vol. 1, No. 134	October 7, 2026
<i>Captain America</i> Vol. 1, No. 135	November 4, 2026
<i>Captain America</i> Vol. 1, No. 136	December 16, 2026
<i>Captain America</i> Vol. 1, No. 137	January 13, 2027

5. Eugene J. Colan died on June 23, 2011. His surviving children, Nanci Solo and Erik Colan, are the persons entitled to exercise the termination right pursuant to 17 U.S.C. §

³ This Notice of Termination also applies to each and every grant or alleged grant by Eugene J. Colan of rights under copyright in and to the Works that falls within the applicable termination time window (defined by 17 U.S.C. § 304(c) and the effective date of this Notice of Termination). Every reasonable effort has been made to find and list herein every such grant and/or transfer. Nevertheless, if any such grant and/or transfer has been omitted, such omission is unintentional and involuntary, and this Notice of Termination applies as well to each and every such omitted grant and/or transfer.

304(c)(2)(B), as to the grant(s) identified herein. This Notice has been signed by all persons needed to terminate said grant(s) under 17 U.S.C. § 304(c).

Dated: June 22, 2021

TOBEROFF & ASSOCIATES, P.C.



Marc Toberoff

23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Tel: (310) 246-3333

As counsel for and on behalf of Nanci Solo
and Erik Colan

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing document described as
NOTICE OF TERMINATION to be served this 22nd day of June, 2021, by First Class Mail,
postage prepaid, upon each of the following:


To: Marvel Entertainment, LLC
Marvel Worldwide, Inc.
Marvel Property, Inc.
Marvel Characters, Inc.
1290 Avenue of the Americas
New York, NY 10104
Attn: John Turitzin, Chief Counsel
Eli Bard, Deputy Chief Counsel

Marvel Studios, LLC
MVL Rights, LLC
MVL Development, LLC
Marvel Characters, Inc.
500 South Buena Vista Street
Burbank, CA 91521
Attn: David Galluzzi, Chief Counsel

The Walt Disney Company
500 South Buena Vista Street
Burbank, CA 91521
Attn: Alan Braverman, General Counsel

Marvel Animation Inc.
623 Circle Seven Drive
Glendale, CA 91201
Attn: Legal Department

I declare under penalty of perjury that the foregoing is true and correct. Executed this
22nd day of June, 2021, at Malibu, California.



Breck Kadaba
Toberoff & Associates, P.C.
23823 Malibu Road, Suite 50-363
Malibu, CA 90265

Counsel for Nanci Solo and Erik Colan

RECEIVED

JUL 07 2021

NOTICE OF TERMINATION

"CAPTAIN MARVEL"

ALAN BRAVERMAN

To: Marvel Entertainment, LLC
Marvel Worldwide, Inc.
Marvel Property, Inc.
Marvel Characters, Inc.
1290 Avenue of the Americas
New York, NY 10104
Attn: John Turitzin, Chief Counsel
Eli Bard, Deputy Chief Counsel

Marvel Studios, LLC
MVL Rights, LLC
MVL Development, LLC
Marvel Characters, Inc.
500 South Buena Vista Street
Burbank, CA 91521
Attn: David Galluzzi, Chief Counsel

The Walt Disney Company
500 South Buena Vista Street
Burbank, CA 91521
Attn: Alan Braverman, General Counsel

Marvel Animation Inc.
623 Circle Seven Drive
Glendale, CA 91201
Attn: Legal Department

PLEASE TAKE NOTICE that pursuant to Section 304(c) of the United States Copyright Act (17 U.S.C. § 304(c)) and the regulations issued thereunder by the Register of Copyrights, 37 C.F.R. § 201.10, Nanci Solo and Erik Colan, the children of the deceased author Eugene J. Colan, being the persons entitled to terminate copyright transfers by the author pursuant to said statutory provisions, hereby terminate all pre-January 1, 1978 exclusive or non-exclusive grants of the transfer or license of the renewal copyright(s) in and to the illustrated comic book stories, featuring the character Captain Marvel (a.k.a. Mar-Vell), authored or co-authored by Eugene J. Colan (a.k.a. Gene Colan), and published in the respective comic book issues listed in paragraph 2 of this Notice, all as set forth below:

1. The names and addresses of the grantees and/or successors in title whose rights are being terminated are as follows: Marvel Entertainment, LLC, Marvel Worldwide, Inc., Marvel Property, Inc., Marvel Characters, Inc., 1290 Avenue of the Americas, New York, NY 10104; Marvel Studios, LLC, MVL Rights, LLC, MVL Development, LLC, Marvel Characters, Inc., 500

South Buena Vista Street, Burbank, CA 91521; The Walt Disney Company, 500 South Buena Vista Street, Burbank, CA 91521; and Marvel Animation Inc., 623 Circle Seven Drive, Glendale, CA 91201. Pursuant to 37 C.F.R. § 201.10(d), service of this notice is being made by First Class Mail, postage pre-paid to the above grantees or successors at the addresses shown.

2. The copyrighted work(s) to which this Notice of Termination apply(ies) (individually, the “Work”; collectively, the “Works”) are the illustrated comic book story(ies), featuring the character Captain Marvel (a.k.a. Mar-Vell), authored or co-authored by Eugene J. Colan (a.k.a. Gene Colan),¹ along with all the characters, story elements, and/or indicia appearing therein, which stories were published and embodied in the comic book issues identified as follows:

<u>Title</u>	<u>Copyright Claimant</u> ²	<u>Date Copyright Secured</u>	<u>Copyright Reg. No.</u>
<i>Marvel Super-Heroes</i> Vol 1, No. 12	Marvel Comics, Inc. and Marvel Comics Group	10/10/1967	B462618
<i>Marvel Super-Heroes</i> Vol 1, No. 13	Marvel Comics, Inc. and Marvel Comics Group	12/12/1967	B462617

¹ This Notice of Termination also applies to all material authored or co-authored by Eugene J. Colan (in any and all medium(s), whenever created) that was reasonably associated with the Works and was registered with the United States Copyright Office and/or published within the termination time window, as defined by 17 U.S.C. § 304(c), and the effective date of this Notice of Termination. This Notice of Termination likewise includes any character, story element, or indicia reasonably associated with the Works including, without limitation, Captain Marvel (a.k.a. Mar-Vell), Carol Danvers (a.k.a. Car-Ell), Una, Yon-Rogg, Zarek, the Kree Soldiers, Jeremy Logan, Supreme Intelligence, Sentry 459, Ronan the Accuser, Walter Lawson, Sam Hill, General William Bridges, Walter Lawson, Dorrek VII, Anelle, Machino, Hal Logan, Chester Fenton, Super-Skrull (a.k.a. Kl’rt), the Skrull Emperor, and Namor the Sub-Mariner. Every reasonable effort has been made to find and list herein all such material. Nevertheless, if any such material has been omitted, such omission is unintentional and involuntary, and this Notice also applies to each and every such omitted material.

² Pursuant to 37 C.F.R. § 201.10(b)(1)(iii), this Notice of Termination includes the name of at least one author of each Work to which this Notice of Termination applies. The listing herein of any corporation as copyright claimant is done per Copyright Office records, and is not to be construed as an admission that any given work is or was a “work made for hire,” nor is anything else herein to be construed as any such admission. Nothing contained in this Notice of Termination shall be construed to in any way limit or waive any right or remedy that Nanci Solo and/or Erik Colan, may have, at law or in equity, with respect to the subject matter hereof, all of which is hereby expressly reserved.

<i>Marvel's Space-Born Superhero!</i> <i>Captain Marvel</i> Vol. 1, No. 1	Marvel Comics, Inc. and Marvel Comics Group	2/8/1968	B462622
<i>Marvel's Space-Born Superhero!</i> <i>Captain Marvel</i> Vol. 1, No. 2	Marvel Comics, Inc. and Marvel Comics Group	3/7/1968	B462631
<i>Marvel's Space-Born Superhero!</i> <i>Captain Marvel</i> Vol. 1, No. 3	Marvel Comics, Inc. and Marvel Comics Group	4/9/1968	B462609
<i>Marvel's Space-Born Superhero!</i> <i>Captain Marvel</i> Vol. 1, No. 4	Marvel Comics, Inc. and Marvel Comics Group	5/9/1968	B462620

3. The grant(s) and/or transfer(s) to which this Notice of Termination applies was (were) made in that (those) certain copyright assignment(s) on the back of the check(s) issued by Marvel Entertainment, LLC's ("Marvel") predecessor company(ies) to Eugene J. Colan, with respect to the above-listed Works, which was (were) dated on or about the time of the respective publication of such Works, as well as any other grant(s) regarding the Works by Eugene J. Colan to Marvel's predecessor(s).³

4. The effective date of termination for each respective Work shall be as follows:

<u>Title:</u>	<u>Effective Date of Termination:</u>
<i>Marvel Super-Heroes</i> Vol 1, No. 12	October 11, 2023
<i>Marvel Super-Heroes</i> Vol 1, No. 13	December 13, 2023
<i>Marvel's Space-Born Superhero!</i> <i>Captain Marvel</i> Vol. 1, No. 1	February 9, 2024
<i>Marvel's Space-Born Superhero!</i> <i>Captain Marvel</i> Vol. 1, No. 2	March 8, 2024
<i>Marvel's Space-Born Superhero!</i> <i>Captain Marvel</i> Vol. 1, No. 3	April 10, 2024
<i>Marvel's Space-Born Superhero!</i> <i>Captain Marvel</i> Vol. 1, No. 4	May 10, 2024

³ This Notice of Termination also applies to each and every grant or alleged grant by Eugene J. Colan of rights under copyright in and to the Works that falls within the applicable termination time window (defined by 17 U.S.C. § 304(c) and the effective date of this Notice of Termination). Every reasonable effort has been made to find and list herein every such grant and/or transfer. Nevertheless, if any such grant and/or transfer has been omitted, such omission is unintentional and involuntary, and this Notice of Termination applies as well to each and every such omitted grant and/or transfer.

5. Eugene J. Colan died on June 23, 2011. His surviving children, Nanci Solo and Erik Colan, are the persons entitled to exercise the termination right pursuant to 17 U.S.C. § 304(c)(2)(B), as to the grant(s) identified herein. This Notice has been signed by all persons needed to terminate said grant(s) under 17 U.S.C. § 304(c).

Dated: July 2, 2021

TOBEROFF & ASSOCIATES, P.C.



Marc Toberoff

23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Tel: (310) 246-3333

As counsel for and on behalf of Nanci Solo
and Erik Colan

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing document described as
NOTICE OF TERMINATION to be served this 2nd day of July, 2021, by First Class Mail,
postage prepaid, upon each of the following:

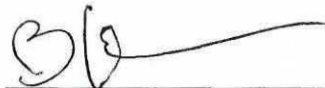
To: Marvel Entertainment, LLC
Marvel Worldwide, Inc.
Marvel Property, Inc.
Marvel Characters, Inc.
1290 Avenue of the Americas
New York, NY 10104
Attn: John Turitzin, Chief Counsel
Eli Bard, Deputy Chief Counsel

The Walt Disney Company
500 South Buena Vista Street
Burbank, CA 91521
Attn: Alan Braverman, General Counsel

Marvel Studios, LLC
MVL Rights, LLC
MVL Development, LLC
Marvel Characters, Inc.
500 South Buena Vista Street
Burbank, CA 91521
Attn: David Galluzzi, Chief Counsel

Marvel Animation Inc.
623 Circle Seven Drive
Glendale, CA 91201
Attn: Legal Department

I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd
day of July, 2021, at Malibu, California.



Breck Kadaba
Toberoff & Associates, P.C.
23823 Malibu Road, Suite 50-363
Malibu, CA 90265

Counsel for Nanci Solo and Erik Colan